

DRAFT

TOWN BOARD MEETING

June 15, 2005

Supervisor Pagones opened the Summer Town Board meeting at 9:30 am, Town Hall, 807 Route 52, Fishkill, New York and led the audience with the "Pledge of Allegiance".

Present: Supervisor Joan A. Pagones; Town Board members, Steve Ferguson, Ronald Leenig, Heather Malvarosa, Dennis Zack; Town Attorney, Ronald Blass; Town Engineer, John Andrews, engineer intern, Andrew Malanack; Paul Gromkowski, Housing Director; Robert Wheeling, Comptroller; Chris Colsey, MDD; Pamela Garnot, Supervisor's Assistant; Paula Sarvis, Assessor; George McGann; Building Inspector; Aveonis - Nick Dellaportis, Mark Day, P.E.; BGB - Kenneth Stenger, Esq.; Chelsea - Thomas Perna; Chiulli - Eugene Ninnie, P.E., Robert Chiulli; Merritt Park - Rich Rang; Mark Fry, Jeffrey Shumejda, Esq., Marshall & Gwen Brenner - Locust Vue; Residents - Dorothy Cobb, Earl McKinney, Keith Christensen, Pearl Grady, Fred Cantor, John Ergen; and Town Clerk, Darlene Bellis

CELEBRATION

Dorothy Cobb celebrates her 100th Birthday on June 28, 2005

Supervisor Pagones presented to Dorothy Cobb an award for celebrating her 100th birthday on June 28, 2005.

PUBLIC HEARING(s)

Local Law - Hasbrook rezone from R-40 to GB

Supervisor Pagones read (**copy attached to original minutes**) the public hearing notice for a local law to consider amending the zoning map to change the district designation of certain real property from R-40 to GB.

Public hearing opened 9:35 am

Mark Day, P.E., made his presentation for the Hasbrook site plan rezoning project, describing the acreage, the two buildings being built, showed the proposed architectural rendering of the buildings, and where in the planning process this project is.

Town Engineer, John Andrews stated that the Planning Board reacted favorably to the project, but there are open issues in regards to closing SEQRA, this project was known as the Montfort Boom property, and overall the Planning Board concurred with the Town Board in that rezoning would be proper.

Supervisor Pagones asked the audience if anyone would like to speak on this item. Hearing none, she stated she would entertain a motion to close the public hearing.

Motion made by Councilman Ferguson **to close public hearing.**

Seconded by Councilman Leenig

Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)

Motion Carried

Public hearing closed at 9:42 am

June 15, 2005

Local Law - Chiulli rezone from R-15 to GB

Supervisor Pagones read (**copy attached to original minutes**) the public hearing notice for a local law to consider amending the zoning map to change the district designation of certain real property from R-15 to GB.

Public hearing opened 9:43 am

Eugene Ninnie, P.E. made his presentation for the rezoning of Robert Chiulli's property from R-15 to GB, describing the location of the property, the current zoning of properties surrounding Mr. Chiulli's property, the topography, and what is being planned as far as the site plan.

Town Engineer, John Andrews stated that this is an interesting piece of property, the R-15 zoning appears to have to do more with the historic use of property, to the north and south of this parcel it is zoned GB, it appears that rezoning this to the GB zone would be more consistent to the master plan than the R-15 zone. This makes sense and is a matter worth looking into. SEQRA needs to be closed in order to adopt but there are.

Supervisor Pagones asked the audience if anyone would like to speak on this. Hearing none, she stated she would entertain a motion to close the public hearing.

Motion made by Councilman Zack **to close the public hearing.**

Seconded by Councilwoman Malvarosa

Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)

Motion Carried

Public hearing closed at 9:48 am

Locust Vue Rezoning

Jeff Shumejda made his preliminary presentation for the Locust Vue for the rezoning of the property from GB to PB, and then introduced Mr. and Mrs. Brenner.

Marshal Brenner and Gwen Brenner presented to the board members a picture of what was on the property in the 1950's and gave a brief history of the property since 1950.

Mark Fry went through his review of the plan very quickly including the location of property, 6.48 acres, currently zoned GB, request rezone to PB, the property lines, the proposal of two buildings, the concept in nature, the three story building, and the on site amenities. Mr. Fry requested permission to go before the planning board to get this process going.

Town Engineer, John Andrews, stated that the Town Board has a complete application, one of the requirements for considering the rezoning and implementation of the senior citizen housing overlay is the planning board referral, the Board could refer it to the planning board.

DRAFT

TOWN BOARD MEETING

Page 3

June 15, 2005

Motion made by Councilman Ferguson **to refer the application to the Planning Board. Seconded** by Councilman Zack
Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried

Motion made by Councilman Zack **to approve a resolution declaring the intent of the Town Board to be lead agency for the Locust Vue Senior Housing project. Seconded** by Councilwoman Malvarosa
Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried

Town Attorney, Ronald Blass, asked if the applicant wanted the Town Board to circulate among involved agencies the intent to be lead agency.

Town Engineer, John Andrews, asked for time to verify the Type action and review application, and then the circulation will be drawn up.

PRIVILEGE OF THE FLOOR FOR AGENDA ITEMS

Motion made by Councilwoman Malvarosa **to go into the privilege of the floor for agenda items. Seconded** by Councilman Zack
Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried

East Fishkill resident thanked the board for their work on the BGB mobile home park expansion.

Regular Order of Business

Motion made by Councilman Ferguson **to go back into the regular order of business. Seconded** by Councilwoman Malvarosa
Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried

ANNOUNCEMENTS

Three (3) Town of Wappinger Public Hearing

Supervisor Pagones read (**copies attached to original minutes**) all three Public hearing notices of enactment of local laws submitted by the Town of Wappingers.

Thank you letter from Blue Knights NY III

Supervisor Pagones read (**copy attached to original minutes**) a letter from Thomas Mazzola, Blue Knights NY III thanking Captain McKinney and members of the Police Department who provided traffic control.

June 15, 2005

Thank you letter from C. J. Russo

Supervisor Pagones read (**copy attached to original minutes**) a letter from C J Russo thanking Officer Lomangino for his action which went above and beyond his responsibility on May 8th.

Letter of appreciation from Douglas C. Peterson

Supervisor Pagones read (**copy attached to original minutes**) a letter from Douglas C. Peterson thanking the Town of Fishkill Police Department for their assistance.

MOTION(s) TO APPROVE/ADOPT

Waive Recreation and Downstream Drainage fees - Toll Brothers

Supervisor Pagones read (**copy attached to original minutes**) a letter from Richard Rang, Toll Brothers, requesting the waiver of the Recreation and Downstream Drainage fees for the subdivision of Lot 1A and the Lands of Merritt Parkwood, LLC.

Town Engineer, John Andrews, informed the Board that Toll Brothers recently completed two subdivisions within the Town of Fishkill, relate to the Merritt Boulevard through road, and gave a history of the two subdivisions. He recommended that the Town Board approve the waiver of the recreation and Downstream drainage fees associated with the two subdivisions.

Motion made by Councilman Zack **to approve the waiver of the recreation and downstream drainage fees associated with the Subdivision of Lot 1A and Lands of Merritt Parkwood, LLC as submitted.** **Seconded** by Councilwoman Malvarosa

Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried

Set public hearing - Merritt Park Condominiums rezoning

Supervisor Pagones read (**copy attached to original minutes**) a resolution to set a public hearing to be held on July 13, 2005 at 7:30 pm, at Mt. Gulian for the purpose of introducing a local law amending the zoning map to change the district designation of certain real property (Merritt Park Condominiums) from R-4A to RMF-5.

June 15, 2005

Motion made by Councilman Zack **to set a public hearing to be held on July 13, 2005 at 7:30 pm, at Mt. Gulian for the purpose of introducing a local law amending the zoning map to change the district designation of certain real property (Merritt Park Condominiums) from R-4A to RMF-5. Seconded** by Councilman Ferguson

Roll call	Councilman Ferguson	aye
	Councilman Leenig	aye
	Councilwoman Malvarosa	aye
	Councilman Zack	aye
	Supervisor Pagones	aye

Motion Carried

Supervisor Pagones read (**copy attached to original minutes**) a resolution declaring the intent to be lead agency in the proposed Type 1 action under SEQRA for Merritt Park Condominiums.

Motion made by Councilman Ferguson **to approve said resolution to declare the intent to be lead agency. Seconded** by Councilman Leenig

Roll call	Councilman Ferguson	aye
	Councilman Leenig	aye
	Councilwoman Malvarosa	aye
	Councilman Zack	aye
	Supervisor Pagones	aye

Motion Carried

Request to connect to the Rombout Water / Sewer District

Supervisor Pagones read (**copy attached to original minutes**) a letter from Earl McKinney requesting permission to be connected to the Rombout municipal water and sewer districts.

Town Engineer, John Andrews, stated that it would require an out of district contract, systems are being installed by Toll Brothers - they are Toll's responsibility up through dedication to the Town of Fishkill, the Town would need letter from Toll Brothers suggesting such connection is appropriate and willing to do it. Water is not a problem but sewer is at or about its capacity and he requested an opportunity to look at it.

Motion made by Councilman Ferguson **to authorize the Town Engineer and Town Attorney to meet with the church, and toll brothers to get the process going. Seconded** by Councilman Leenig

Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried

June 15, 2005

Authorization to go to Bid Well P-1 Snook Road Water Improvement

Supervisor Pagones read (**copy attached to original minutes**) a letter from John Andrews requesting permission to go out to bid for Well P-1 Snook Road water improvements.

Motion made by Councilman Leenig **to authorize the Town Engineer to go out to bid for the drilling and testing of Well P-1 at the Snook Road Well Field, consistent with the Improvement Area formation documents and the hydro geological evaluation of the Snook Road Well Field conducted by Leggette, Brashears & Graham, Inc. on behalf of the Town.** **Seconded** by Councilwoman Malvarosa Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried

Acceptance of the BGB Mobile Home Park Expansion Master site Plan

Town Engineer, John Andrews, stated that the BGB Mobile Home Park received resolution of approval to expand the park to accommodate additional units. As part of that resolution there was a condition that they had to come forward with a master plan to bring the rest of the park into conformance. You cannot pull the older homes and put the new homes in and still be in conformance with the necessary setbacks and requirements of the Town of Fishkill. The Town asked BGB to look and develop a plan, as units were moved out and new units moved in, the plan would be gradually, over a period of years, the park would be in conformance. There are still some issues that need to be resolved and developed. The wet well has been installed, they are no longer discharging sewage to the wet lands, it's just a question of mobilizing their construction crews. There is only about 60 days of work to make this a reality.

Mark Day, P.E. made his presentation describing the master plan of the BGB Mobile Home Park.

Motion made by Councilman Zack **to accept the master plan site plan as presented.** **Seconded** by Councilwoman Malvarosa Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried

Request Town Police enforce any law violations - BGB Mobile Home sites

Supervisor Pagones read (**copy attached to original minutes**) a letter from Mark Bottini, Mid-Hudson Park Management Corp., requesting the enforcement of law violations by the Town Police for the BGB Mobile Home site.

Motion made by Councilman Ferguson **to approve the above request.** **Seconded** by Councilman Leenig Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried

June 15, 2005

Aveonis infrastructure contract

Town Attorney, Ronald Blass, stated there is no contract in place but he can have one drawn up. The Town will reserve the sewage capacity for this project but the applicant will pay \$60,000.

Town Engineer, John Andrews, stated that the district formation will be drawn for the next meeting as an action to form the districts. It will be zero cost districts, no expense to be incurred by the Town of Fishkill, and everything will be incurred by the developer.

Motion made by Councilman Ferguson **to set a public hearing for the formation of the Aveonis Water and Sewer Districts to be held on July 13, 2005 at 7:30 pm at Mt. Gulian.** **Seconded** by Councilman Leenig

Roll Call	Councilman Ferguson	aye
	Councilman Leenig	aye
	Councilwoman Malvarosa	aye
	Councilman Zack	aye
	Supervisor Pagones	aye

Acceptance of substance abuse policy

Motion made by Councilman Ferguson **to accept the substance abuse policy that was submitted.** **Seconded** by Councilwoman Malvarosa Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried

Proposal from SRI Fire Sprinkler Corp. for Police Facility

Supervisor Pagones read (**copy attached to original minutes**) the proposal for the SRI Fire Sprinkler Corp.'s quarterly sprinkler inspections for the police facility.

Motion made by Councilman Ferguson **to accept the proposal as submitted.** **Seconded** by Councilman Leenig Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried

Solar power contract for Parks office

Keith Christenson gave hand outs to the Board and made his presentation for the use of solar power for Shephard Park and the park's office (**copies attached to original minutes**).

Motion made by Councilman Zack **to authorize the Town Attorney to prepare a contract for the implementation the solar power as discussed.** **Seconded** by Councilman Ferguson Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried

June 15, 2005

Lease for Duality Inc.

Supervisor Pagones read (**copy attached to original minutes**) a resolution authorizing the supervisor to sign a proposed lease with Duality for the rental of Room 027 of the Town Hall for their office.

Motion made by Councilman Ferguson **to approve and authorize the execution of lease as submitted.** **Seconded** by Councilman Leenig

Roll Call	Councilman Ferguson	aye
	Councilman Leenig	aye
	Councilwoman Malvarosa	aye
	Councilman Zack	aye
	Supervisor Pagones	aye

Motion Carried

Request for Town Court appearance for two (2) violators

Supervisor Pagones read (**copy attached to original minutes**) a memo from Ed Peters requesting permission for court appearance for two violators.

Motion made by Councilman Zack **to approve the request for court disposition for two violators as requested by Ed Peters.** **Seconded** by Councilman Ferguson

Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried

Block party request - Kipp Avenue

Supervisor Pagones read (**copy attached to original minutes**) a memo from Chris Colsey in regards to a request for a block party on Kipp Avenue.

Motion made by Councilman Leenig **to approve the request to have a block party on Kipp Avenue as requested.** **Seconded** by Councilwoman Malvarosa

Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried

Managerial Comprehensive Salary Review –

Motion made by Councilman Ferguson **to approve the salary review as proposed by the Personnel Director.** **Seconded** by Councilman Zack

Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried

June 15, 2005

Sr. Legislative Aide position

Supervisor Pagones read (**copy attached to original minutes**) a memo from Personnel Director, Susan McGuire in regards to the Legislative Aide salary.

Motion made by Councilman Zack **to approve the up grade of the Legislative Aide salary as requested.** **Seconded** by Councilman Leenig Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried

Dutchess Mall/Home Depot Noise Variance

George McGann, Building Inspector, advised the board that the applicant would like to work during evening hours.

After discussion in regards to construction that may run late, many noise ordinance waivers, and that this case makes perfect sense due to the fact that it is in a commercial area and separated from residential areas the following motion was made.

Motion made by Councilman Zack **to approve the night time work to consist of manual removal of roofing materials, use of small generators with lights and small power tool operation. There will be no use of heavy equipments.**
Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried

Waterfront at Fishkill – Chelsea Industrial Park

Thomas Perna gave a brief history of the Chelsea Industrial Park property, stated there have been many proposals of clean up for the property with DEC, since the public hearing there have been talks and discussion with DEC and he stated that he concurs with the recommendation of 2' of soil but not with removal of soil on the site. Mr. Perna requested from the Board, if they feel it is appropriate, to write a letter to DEC in support of his feelings.

Supervisor Pagones asked if DEC will release in written form their report. Thomas Perna answered that he was having difficulty obtaining said report.

Fishkill Commons @ Westage

Richard Rang gave the Board a brief update of the Fishkill Commons @ Westage project. He stated that they are currently working with Mr. Gromkowski, Housing Director, to arrive at an acceptable component.

June 15, 2005

MOTION(s) TO ACCEPT RESIGNATION

Part time Dispatcher - Gary S. Fishkin

Motion made by Councilman Ferguson **to accept the resignation of Gary S. Fishkin as part time dispatcher. Seconded** by Councilman Leenig Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried

Police Officer - James T. Stradley

Motion made by Councilman Ferguson **to accept the resignation of James T. Stradley as Police officer effective June 01, 2005. Seconded** by Councilman Leenig Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried

In-School Personnel - 4th session effective 06-17-2005

Motion made by Councilman Zack **to terminate the In-School Personnel for the 4th session effective 06-17-2005 as submitted by Cindy Starke, Recreation Director. Seconded** by Councilwoman Malvarosa Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried

MOTION(s) TO APPOINT

Summer Recreation Personnel - effective 06-15-2005

Motion made by Councilman Zack **to appoint the Summer Recreation Personnel effective 06-15-2005 as submitted by Cindy Starke, Recreation Director. Seconded** by Councilwoman Malvarosa Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried

BUDGET TRANSFERS

Motion made by Councilwoman Malvarosa **to approve the budget transfers as submitted as follows:**

Comptroller \$ 450,000 to establish budget for re-valuation project
(copy attached to original minutes)

Seconded by Councilman Zack

Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried

NEW and OLD BUSINESS

Councilwoman Malvarosa

The Dog Show was a success, had over 100 people, it ran smoothly, and was a wonderful event.

The 911 Committee met, the clay cast is near completion and the dedication will be held on September 11th

Councilman Zack

He had the 1st mtg. regarding security camera in the parks, and they will be forthcoming with prices and installation.

Councilman Ferguson

He read the Police Monthly Statistics Report and made a **Motion to approve said report. Seconded** by Councilman Leenig
Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried

Councilman Leenig

VFW #1286 thanked the Board for making Memorial Day a success. The Court appreciates the new server.

Supervisor Pagones

Read **(copy attached to original minutes)** a resolution adopting local law amending Schedule A of Chapter 143, Section 143-16 to designate an additional stop intersections located at Splashdown Beach.

Motion made by Councilman Ferguson **to adopt the local law designating additional stop intersections located at Splashdown Beach as submitted. Seconded** by Councilwoman Malvarosa

Roll Call	Councilman Ferguson	aye
	Councilman Leenig	aye
	Councilwoman Malvarosa	aye
	Councilman Zack	aye
	Supervisor Pagones	aye

Motion Carried

June 15, 2005

ADJOURNMENT

Motion made by Councilman Zack **to adjourn the meeting.** **Seconded**
by Councilman Ferguson
Pagones (aye), Ferguson (aye), Leenig (aye), Malvarosa (aye), Zack (aye)
Motion Carried

Meeting adjourned at 11:00 am

Respectfully submitted,

Darlene Bellis
Town Clerk